

fw



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,281	02/01/2002	Max Friedheim	1776-11	2057

7590 04/10/2003

JOSEPH R. EVANNS  
EVANNS & WALSH  
119 NORTH SAN VICENTE BLVD.  
BEVERLY HILLS, CA 90211

EXAMINER

PAIK, SANG YEOP

ART UNIT

PAPER NUMBER

3742

8

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/066,281

Applicant(s)

FRIEDHEIM, MAX

Examiner

Sang Y Paik

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Objections***

2. Claims 12, 21, 26 and 27 are objected to because of the following informalities: in claims 12, 21, 26 and 27, the numeral symbols enclosed by the parenthesis should be deleted from the claims since such representation is reserved to indicate the figure reference numerals. In this case, such purpose is not served. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8, 11, 12, 26 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Hutchinson (US 6,393,212).

Art Unit: 3742

Hutchinson discloses a vapor generator having a vaporization chamber, the input port, the control means for controlling the volume of the liquid and the output port having means such as the valve to control the pressure and volume of the output steam.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8 and 11-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedheim (US 5,471,556) or Friedheim (US 4,414,037) in view of Hutchinson (US 6,393,212).

Friedheim '556 or Friedheim '037 shows the vapor generator claimed including a vaporization chamber, the chamber having an interior surface with grooves or perforations, respectively. The grooves have the depth in the range of 0.030-0.050 inch. However, neither Friedheim '556 nor Friedheim '037 shows the adjustable control means to control the input liquid and the output control means.

Hutchinson discloses a vapor generator having a vaporization chamber, the input port, the adjustable control means for controlling the volume of the input liquid and the output port having means such as the valve to control the pressure and volume of the output steam.

In view of Hutchinson, it would have been obvious to one of ordinary skill in the art to adapt Friedheim '556 or Friedheim '037 with the means to adjustably control the liquid input to control the output volume of the heated steam.

Art Unit: 3742

7. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedheim '556 or Friedheim '037 in view of Hutchinson as applied to claims 1-8 and 11-27 above, and further in view of Berthoud (US 3,863,841).

Friedheim '556 or Friedheim '037 in view of Hutchinson discloses the vapor generator claimed except the output control means that can is adjustable to direct the vapor in a plurality of selected positions and the plurality of valves that are adjustable to direct the vapor in substantially perpendicular directions.

Berthoud shows a nozzle output control means that is adjustable to direct the output in a plurality of selected positions with a plurality of valves. In view of Berthoud, it would have been obvious to one of ordinary skill in the art to adapt Friedheim '556 or Friedheim '037, as modified by Hutchinson, with the output control means that is adjustable to direct the output steams in a plurality of selected positions so that the output steams may conveniently be directed in the desired directions of the user.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wahlin (US 2,683,626).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Y Paik whose telephone number is 703-308-1147. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703-308-1327. The fax phone numbers for the

Application/Control Number: 10/066,281

Page 5

Art Unit: 3742

organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

S. P. S.

Sang Y Paik  
Primary Examiner  
Art Unit 3742

syp  
April 6, 2003